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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,981	02/20/2001	Kazuhiro Kusuda	Q63222	1740
7590	05/28/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037			ENATSKY, AARON L	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/785,981	KUSUDA, KAZUHIRO	
	Examiner	Art Unit	
	Aaron L Enatsky	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

Examiner acknowledges receipt of arguments on 3/18/04.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-4, 6-9, 11, 14-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,699,126 to Kusuda in view of US Patent No. 5,411,258 to Wilson et al. Kusuda teaches a network connected game apparatus with client devices and a central mechanism to collate data generated by client devices. Kusuda teaches generating training data in a first game on client devices that will be forwarded to a central device to render a second game. Kusuda however does not claim features of generating betting odds data at client machines and forwarding betting odds data to the central device for integrating betting odds of all client devices. Wilson et al. teaches a network totalizer system for calculating real time betting and odds data in a racing game (8:44-9:6). One would be motivated to use a common totalizer system as described by Wilson et al. so

Art Unit: 3713

that pari-mutuel wagering, which is known entertainment mechanism for drawing people to racing games, can be effectively managed. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kusuda to integrate a network totalizer system to manage pari-mutuel wagering, while creating a more entertaining racing system.

Claims 5, 10, and 12-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,699,126 to Kusuda in view of US Patent No. 5,411,258 to Wilson et al. in view of US Pat. No. 4,569,026 to Best. Kusuda in view of Wilson teaches claimed the limitations as discussed above, but does not teach using synthesized speech selected by game players. Best teaches using synthesized speech that is selected by game for integration into a video game (Abstract). Best further teaches that this speech system could be used to announce plays in a simulated game (Abstract), where one of ordinary skill would associate announcing game plays in a ball game similar to announcing race plays/states, thus motivating one to use the announcing system to announce race states. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kusuda in view of Wilson to use synthesized speech to announce race execution states, for a more realistic game atmosphere. In regards to accent or intonation, these speech replication features are disclosed as phonetically distinct and easily distinguishable from each other.

Claims 1-4, 6-9, 11, 14-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No.

Art Unit: 3713

6,692,360 to Kusuda et al. ("Kusuda") in view of US Patent No. 5,411,258 to Wilson et al. . Kusuda teaches a network connected game apparatus with client devices and a central mechanism to collate data generated by client devices. Kusuda teaches generating training data in a first game on client devices that will be forwarded to a central device to render a second game. Kusuda however does not claim features of generating betting odds data at client machines and forwarding betting odds data to the central device for integrating betting odds of all client devices. Wilson et al. teaches a network totalizer system for calculating real time betting and odds data in a racing game (8:44-9:6). One would be motivated to use a common totalizer system as described by Wilson et al. so that pari-mutuel wagering, which is known entertainment mechanism for drawing people to racing games, can be effectively managed. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kusuda to integrate a network totalizer system to manage pari-mutuel wagering, while creating a more entertaining racing system.

Claims 5, 10, and 12-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,692,360 to Kusuda et al. ("Kusuda") in view of US Patent No. 5,411,258 to Wilson et al. in view of US Pat. No. 4,569,026 to Best. Kusuda in view of Wilson teaches claimed the limitations as discussed above, but does not teach using synthesized speech selected by game players. Best teaches using synthesized speech that is selected by game for integration into a video game (Abstract). Best further teaches that this speech system could be used to announce plays in a simulated game (Abstract), where one of ordinary skill would associate announcing game plays in a ball game similar to announcing race plays/states, thus motivating one to use the announcing system to

Art Unit: 3713

announce race states. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kusuda in view of Wilson to use synthesized speech to announce race execution states, for a more realistic game atmosphere. In regards to accent or intonation, these speech replication features are disclosed as phonetically distinct and easily distinguishable from each other.

Response to Arguments

Applicant's amendment and arguments filed 3/18/04 have been fully considered in light of the interview on 3/19/04 and are persuasive. As such, Examiner's prior rejections have been withdrawn. However, upon a further search, Examiner discovered additional art that is incorporated into an obvious type double patenting rejection found above.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Pat. No. 6,500,070 to Tomizawa et al. teaches a distributed game system that can be used train characters on a client system in a first game and integrate game results from the first game into a second game.

Conclusion

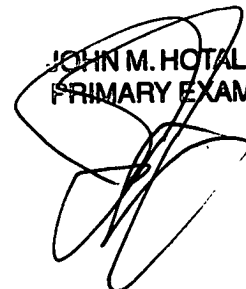
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8-6 M-Th.

Art Unit: 3713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALE


JOHN M. HOTALING, II
PRIMARY EXAMINER